

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION**

UNITED STATES OF AMERICA,

Plaintiff,

v.

Case No: 03-CR-80658

GEORGE CLINT SINGLETON

Defendant.

ORDER DENYING WITHOUT PREJUDICE MOTION FOR RELEASE

Defendant, through counsel, has filed a motion for release from custody pending re-sentencing but has failed to indicate whether or not the contemplated relief would be agreed to by the government.

Eastern District Local Rule 7.1(a) states as follows:

“(1) The movant must ascertain whether the contemplated motion will be opposed. If the movant obtains concurrence, the parties may make the subject matter of the contemplated motion a matter of record by stipulated order.

“(2) If concurrence is not obtained, the motion must state:

(A) there was a conference between the attorneys or unrepresented parties in which the movant explained the nature of the motion and its legal basis and requested but did not obtain concurrence in the relief sought; or

(B) despite reasonable efforts specified in the motion, the movant was unable to conduct a conference.

“(3) The court may tax costs for unreasonable withholding of consent.”

The Rule plainly requires that the movant make clear that it has conducted the required pre-filing conference in which the nature of the contemplated motion was explained, or in the alternative what efforts were made, without success, to engage in such a conference.

No exception is made for criminal cases. If the government were to agree, the motion would be mooted. The court discourages motion practice that may be unnecessary and wasteful of court and attorney time. Accordingly,

IT IS ORDERED that the Defendant's Motion for Release from Custody [Dkt. #32] is DENIED WITHOUT PREJUDICE

S/Robert H. Cleland
ROBERT H. CLELAND
UNITED STATES DISTRICT JUDGE

Dated: October 11, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, October 11, 2005, by electronic and/or ordinary mail.

S/Lisa Wagner
Case Manager and Deputy Clerk
(313) 234-5522